

### **REMARKS**

The application has been reviewed in light of the Final Office Action mailed on February 3, 2009. Claims 1-46 are currently pending in the application, with Claims 1, 24 and 44 being in independent form. Claims 44 and 45 have been cancelled. By this amendment, independent Claims 1 and 24 have been amended. It is respectfully submitted that the claims pending in the application, namely Claims 1 - 43, and 46 are fully supported by the specification, introduce no new subject matter, and are patentable over the prior art. Favorable review is respectfully requested.

#### **Rejection of Claims under 35 U.S.C. § 112**

Claims 1 – 46 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, and 24 have been amended to indicate an “apparatus for the non-contact with the top surface electrical test of electronic substrates.” Applicant believes this amendment is fully supported by the specification and overcomes the examiner’s earlier rejection. In view of this amendment the Applicant respectfully requests that the examiner in light of the probes being securely in contact with the bottom surface.

#### **Rejection of Claims under 35 U.S.C. § 102**

##### **Claims 1, 6, 8 and 24**

Claims 1, 6, 8 and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bohlen et al (US 3,764,898, hereinafter “Bohlen”). Applicants respectfully traverse the rejection of these claims. It is respectfully submitted that Bohlen does not describe or suggest the limitations of Applicants’ claims.

Bohlen describes a non-contact method of testing the electrical continuity of a conductor line by use of an electron beam. FIG. 1 of Bohlen describes a conductor 1 embedded in a carrier 2 and having conductor ends 3 and 4. Collectors 13 and 14 of metal layer 12 “function to catch the secondary electrons leaving the respective adjacent conductor end 3, 4.” Elements 6 and 7 are “spacers” to elevate the target mask 5 above ends 3 and 4, Column 2, lines 48 – 52. Bohlen does not describe or suggest the recited “an array of probes in physical contact to said bottom surface conductive features, as claimed in independent Claims 1 and 24. As stated before and as clearly shown in Bohlen’s FIG. 1, collectors 13, 14 are clearly physically isolated by a space set by spacers 6 and 7 from conductor feature 1 and further are not in contact with the bottom surface but above the top surface. Accordingly, independent Claims 1 and 24 are believed to be patentable over Bohlen. Therefore, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 6 and 8 depend directly or indirectly from independent Claim 1, and are therefore patentable for at least the reasons given above for independent Claim 1. It is respectfully requested that the rejection of these claims be withdrawn.

### **Rejection of Claims under 35 U.S.C. § 103**

#### **Claims 2-4 and 25-27**

Claims 2-4 and 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bohlen in view of Lagowski (US 6,538,462). Claims 2-4 and 25-27 depend directly or indirectly from independent Claims 1 and 24, respectively. Therefore, Claims 2-4 and 25-27 are patentable for at least the reasons given above for independent Claims 1 and 24. As was pointed out above none of the structures in Bohlen are in contact with the bottom surface of

the conductive features. Accordingly, it is respectfully requested that the rejection of Claims 2-4 and 25-27 be withdrawn.

Claims 5 and 28

Claims 5 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bohlen in view of Wakalopulos (US 3,970,892). Claims 5 and 28 depend directly or indirectly from independent Claims 1 and 24, and are therefore patentable for at least the reasons given above for independent Claims 1 and 24. As was pointed out above none of the structures in Bohlen are in contact with the bottom surface of the conductive features. It is respectfully requested that the rejection of these claims be withdrawn.

Claims 7-17, 29-38 and 44-46

Claims 7-17, 29-38 and 44-46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bohlen. Claims 7-17, 29-38 and 46 depend directly or indirectly from independent Claims 1 and 24, and are therefore patentable for at least the reasons given above for independent Claims 1 and 24. As was pointed out above none of the structures in Bohlen are in contact with the bottom surface of the conductive features. It is respectfully requested that the rejection of these claims be withdrawn.

Claims 44 and 45 have been cancelled.

Claims 18-23 and 39-43

Claims 18-23 and 39-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bohlen in view of Nishioka et al. (US 6,043,665). Claims 18-23 and 39-43

depend directly or indirectly from independent Claims 1 and 24, and are therefore patentable for at least the reasons given above for independent Claims 1 and 24. As was pointed out above none of the structures in Bohlen are in contact with the bottom surface of the conductive features. It is respectfully requested that the rejection of these claims be withdrawn.

### **Conclusion**

In view of the foregoing amendments and remarks, Applicants respectfully submit that all claims pending in this application, namely Claims 1-43 and 46 are now in condition for allowance. Accordingly, early and favorable consideration of this application is respectfully requested. Should the Examiner believe that a telephone or personal interview may facilitate resolution of any remaining matters, he is respectfully requested to contact Applicants undersigned attorney at the telephone number indicated below.

Respectfully Submitted,

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